

AMENDED IN SENATE JUNE 2, 2010
AMENDED IN ASSEMBLY JUNE 2, 2009
AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1373

Introduced by Assembly Member ~~Skinner~~ Lieu

February 27, 2009

~~An act to add Chapter 11.1 (commencing with Section 25970) to Division 15 of the Public Resources Code, relating to global warming. An act to add Section 17537.10 to the Business and Professions Code, relating to advertising.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1373, as amended, ~~Skinner~~ Lieu. ~~Global warming potential (GWP); refrigerants. Advertising: grant deed copy services.~~

Existing law provides that certain advertising-related practices are unlawful and makes a violation of those provisions a crime.

This bill would make it unlawful for any person, firm, corporation, association, or any other business entity to make any untrue or misleading statements in any manner in connection with the offering or performance of a grant deed copy service, defined as any service performed or offered to be performed for compensation in connection with obtaining a copy from the county recorder of a property owner's grant deed or other record of title, including a public records copy service. The bill would make it unlawful to offer to perform this service without making specified disclosures. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the State Energy Resources Conservation and Development Commission to adopt a regulation prescribing standards for minimum levels of operating efficiency to promote the use of energy and water efficient appliances. The commission is required to prescribe building design and construction and energy and water conservation standards for residential and nonresidential buildings (building standards).~~

~~This bill would enact the California Refrigeration and Air-Conditioning Innovation Review Act of 2009 and would require the commission, using existing staff and funds, to develop and to conduct, in consultation with the State Air Resources Board, a study containing specified elements to assess the potential to optimize the efficiency of stationary cooling technology while significantly reducing the use and emissions of high-global warming potential (GWP) compounds, as defined, in the stationary refrigeration and air-conditioning industry. The bill would require the commission, on or before January 1, 2012, to submit to the Legislature and to post on its Internet Web site the findings and results of the study. The bill would authorize the board to use certain fees, to the extent they are available, to develop various programs and projects encouraging the installation of reduced high-GWP charge systems and dedicated low-GWP systems for stationary refrigeration and air-conditioning units, and programs to reduce or prevent the emissions of high-GWP compounds.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17537.10 is added to the Business and
- 2 Professions Code, to read:
- 3 17537.10. (a) It is unlawful for any person, firm, corporation,
- 4 association, or any other business entity to make any untrue or
- 5 misleading statements in any manner in connection with the
- 6 offering or performance of a grant deed copy service. For the

1 *purpose of this section, an “untrue or misleading statement”*
2 *includes, but is not limited to, any representation, with regard to*
3 *property identified by its address or assessor’s parcel number,*
4 *that any of the following is true:*

5 *(1) That due to property foreclosures and loan modifications*
6 *in the county where the property is located, the property owner*
7 *should obtain a copy of his or her grant deed or other record of*
8 *title.*

9 *(2) That a governmental entity, or any other entity that includes*
10 *in its name words that could lead a person to reasonably believe*
11 *that the entity is affiliated with government, has recommended that*
12 *a property owner should have a copy of his or her grant deed or*
13 *other record of title.*

14 *(3) That the offeror of the grant deed copy service is, or is*
15 *affiliated with, any governmental entity. A violation of this*
16 *paragraph includes, but is not limited to, the following:*

17 *(A) The misleading use of any governmental seal, emblem, or*
18 *other similar symbol.*

19 *(B) The use of a business name including the words “title” or*
20 *“grant deed” or “public record” and the word “agency,”*
21 *“bureau,” “department,” “division,” “federal,” “state,”*
22 *“county,” “city,” or “municipal,” or the name of any city, county,*
23 *city and county, or any governmental entity.*

24 *(C) The use of an envelope that simulates an envelope containing*
25 *a government check, tax bill, or government notice or an envelope*
26 *that otherwise has the capacity to be confused with, or mistaken*
27 *for, an envelope sent by a governmental entity.*

28 *(D) The use of an envelope or outside cover or wrapper in which*
29 *a solicitation is mailed that does not bear on its face in capital*
30 *letters and in conspicuous and legible type the following notice:*
31 *“THIS IS NOT A GOVERNMENT APPROVED OR AUTHORIZED*
32 *DOCUMENT.”*

33 *(4) That there is a fee payment deadline to obtain a copy of a*
34 *property owner’s grant deed or other record of title.*

35 *(b) (1) It is unlawful to offer to perform a grant deed copy*
36 *service without making the following disclosure:*

37
38 *“THIS SERVICE TO OBTAIN A COPY OF YOUR GRANT*
39 *DEED OR OTHER RECORD OF TITLE IS NOT ASSOCIATED*
40 *WITH ANY GOVERNMENTAL AGENCY. YOU CAN OBTAIN A*

1 *COPY OF YOUR GRANT DEED OR OTHER RECORD OF TITLE*
2 *FROM THE COUNTY RECORDER IN THE COUNTY WHERE*
3 *YOUR PROPERTY IS LOCATED FOR [AMOUNT OF FEE FOR*
4 *THE COPY OF A GRANT DEED OR OTHER RECORD OF TITLE*
5 *IN THAT COUNTY].”*
6

7 *(2) The disclosure specified in paragraph (1) shall be placed*
8 *at the top of each page of every advertisement or promotional*
9 *material disseminated by an offeror of a grant deed copy service*
10 *and shall be printed in 14-point boldface type enclosed in a box*
11 *formed by a heavy line.*

12 *(3) The disclosure specified in paragraph (1) shall be recited*
13 *at the beginning of every oral solicitation and every broadcast*
14 *advertisement and shall be delivered in printed form as prescribed*
15 *by paragraph (2) before the time each person who responds to the*
16 *oral solicitation or broadcast advertisement is obligated to pay*
17 *for the service.*

18 *(c) For purposes of this section, “grant deed copy service”*
19 *means any service performed or offered to be performed for*
20 *compensation in connection with obtaining a copy from the county*
21 *recorder of a property owner’s grant deed or other record of title*
22 *and includes a public records copy service.*

23 *SEC. 2. No reimbursement is required by this act pursuant to*
24 *Section 6 of Article XIII B of the California Constitution because*
25 *the only costs that may be incurred by a local agency or school*
26 *district will be incurred because this act creates a new crime or*
27 *infraction, eliminates a crime or infraction, or changes the penalty*
28 *for a crime or infraction, within the meaning of Section 17556 of*
29 *the Government Code, or changes the definition of a crime within*
30 *the meaning of Section 6 of Article XIII B of the California*
31 *Constitution.*

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33
34 **All matter omitted in this version of the bill**
35 **appears in the bill as amended in the**
36 **Assembly, June 2, 2009. (JR11)**
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